

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**IN RE:** §  
**PACKET CONSTRUCTION LLC** §  
§  
§  
§  
**DEBTOR** § **BANKRUPTCY CASE NO. 23-10860**

**MOTION FOR AUTHORITY TO USE CASH COLLATERAL**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS. IF NO TIMELY RESPONSE IS FILED WITHIN 21 DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Packet Construction LLC ("Debtor") and files this Motion for Authority to Use Cash Collateral and Request for Emergency Consideration pursuant to 11 U.S.C. § 363. The Debtor presents this motion and respectfully represents the following:

1. On October 12, 2023 ("Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 ("Bankruptcy Code") and is now operating its business as a Debtor-In-Possession.
2. The Debtor continues the management and operation of its civil construction for electric utilities and site work for foundations of substations and powerlines business as Debtor-In-Possession pursuant to §§1107 and 1108 of the Bankruptcy Code.
3. A search in the Texas Secretary of State shows that allegedly secured positions are held, in order of priority, by: The U.S. Small Business Administration, Fundfi Merchant Funding, Prosperum Capital Partners Loan #1, Prosperum Capital Partners Loan #2, Spartan Capital and Alpine Advance 5 LLC.  
*See Exhibit B.*
4. Debtor seeks to use the cash collateral to operate the business as set forth in the budget attached as Exhibit A.

6. Emergency Consideration: The Debtor depends on the use of cash collateral for payroll, insurance, and general operating expenses. Revenue is generated through the Debtor's business of management and operation of its civil construction for electric utilities and site work for foundations of substations and powerlines business.

7. It is critical to the operation of the Debtor's business, and to its reorganization efforts, that it be permitted to pay these expenses using cash collateral. Debtor produces revenue from its management and operation of its civil construction for electric utilities and site work for foundations of substations and powerlines business and would use such revenue to pay the budgeted expenses. Moreover, such revenue will be deposited by Debtor in its DIP operating account pending entry of an order allowing use of cash collateral or consent by lien holders.

8. Attached as Exhibit "A" is a 14- and 30-day budget for the Debtor, showing projected income and expenses. The amounts listed are reasonable and good faith estimations of what the Debtor needs to spend each month to continue the operations of its business and reorganize.

9. In addition to Exhibit A, the following Exhibit is also attached:

Exhibit B

UCC Lien Search

Exhibit C

Declaration of John Miller

10. Debtor requests authority to use the cash collateral for expenses set forth on Exhibit "A" and any other unforeseeable expenses that may arise and pose a threat to the Debtor's continued operations. Specifically, the Debtor requests authority to use the cash collateral to pay up to 110% of each expense in Exhibit A, so long as the total of cash collateral spent during the month does not exceed by more than 5% of that month's total in Exhibit A.

11. This "First Day Motion" is being filed alongside the Voluntary Petition under the Court's Standing Order on First Day Motions in Chapter 11 cases.

WHEREFORE, PREMISES CONSIDERED, the Debtor requests this matter be set for an emergency hearing and that upon hearing, the Court will enter an Interim Order authorizing the Debtor's use of the cash collateral in the amounts set forth in Exhibit "A" and for such other and further relief as the Debtor may show itself justly entitled.

Respectfully submitted,

THE LANE LAW FIRM, PLLC

/s/Robert C. Lane

Robert C. Lane

State Bar No. 24046263

notifications@lanelaw.com

Joshua Gordon

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6200 Savoy, Suite 1150

Houston, Texas 77036

(713) 595-8200 Voice

(713) 595-8201 Facsimile

PROPOSED COUNSEL FOR DEBTOR

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Motion for Use of Cash Collateral was served upon the US Trustee and to the parties listed on the service list below and the attached mailing matrix either via electronic notice by the court's ECF noticing system or by United States first class mail, postage prepaid, on October 12, 2023:

**Debtor:**

Packet Construction LLC  
14205 N Mopac Expy #514  
Austin, Texas 78728

**US Trustee:**

Office of the U.S. Trustee  
903 San Jacinto Blvd  
Room 230  
Austin, Texas 78701  
[Ustpregion07.au.ecf@usdoj.gov](mailto:Ustpregion07.au.ecf@usdoj.gov)

U.S. Small Business Administration  
Little Rock Commercial Loan Servicing  
Center 2120 Riverfront Drive, Suite 100  
Little Rock, AR 72202

**Additional Notices via Electronic Communication:**

Bass, Steven (USATXW) [Steven.Bass@usdoj.gov](mailto:Steven.Bass@usdoj.gov)

[jason@jasongang.com](mailto:jason@jasongang.com)

[frank@spartancapitalgroup.com](mailto:frank@spartancapitalgroup.com)

[apps@prosperumcapital.com](mailto:apps@prosperumcapital.com)

[Ops@Alpineadvance.net](mailto:Ops@Alpineadvance.net)

[eryn@fundfimerchantfunding.com](mailto:eryn@fundfimerchantfunding.com)

[mitchell@fundfimerchantfunding.com](mailto:mitchell@fundfimerchantfunding.com)

*/s/Robert C. Lane*  
Robert C. Lane

Label Matrix for local noticing

Packet Construction LLC

United States Trustee (SMG111)

0542-1

PO Box 82668

United States Trustee

Case 23-10860-cgb

Austin, TX 78708-2668

903 San Jacinto Blvd, Suite 230

Western District of Texas

Austin, TX 78701-2450

Austin

Thu Oct 12 09:09:50 CDT 2023

U.S. BANKRUPTCY COURT

Alpine Advance 5 LLC

Alpine Advance 5 LLC

903 SAN JACINTO, SUITE 322

228 Park Ave S

46 Washington Street Suite 6

AUSTIN, TX 78701-2450

New York, NY 10003-1502

Middletown, CT 06457-2861

Arcosa Aggregates

Arnold Crushed Stone Inc

Arsenal Funding

401 S Interstate Highway 45

PO Box 632

8 West 36th Street, 7th Floor

Ferris, TX 75125-8801

Blum, TX 76627-0632

New York, NY 10018-9774

Austin Lava, LLC

Big Bend Services, LLC

Braun Intertec

3107 Perry Lane

PO Box 61226

11001 Hampshire Ave S

Austin, TX 78731-5341

Midland, TX 79711-1226

Minneapolis, MN 55438-2424

(p)CATERPILLAR FINANCIAL SERVICES CORPORATION

Caldwell East &amp; Finlayson PLLC

Capital Quarries

2120 WEST END AVENUE

One Riverwalk Place, 700 North St. Mary&amp;

PO Box 105050

NASHVILLE TN 37203-5341

San Antonio, TX 78205

Jefferson City, MO 65110-5050

Centra Funding LLC

Conners Construction Inc.

David Neal LLC

1400 Preston Road Suite 115

2513 U.S. HWY 77

899 FM 1947

Houston, TX 77002

Lott, TX 76656-3595

Hillsboro, TX 76645-5157

Deans Stepp Law, LLP

EnviroCon Systems Inc

Ewald Kubota Inc.

325 N. Saint Paul St. Suite 1500

PO Box 673048

PO Box 1287 71E

Dallas, TX 75201-3891

Houston, TX 77267-3048

Seguin, TX 78156-1287

Force Logistics, LLC

Fundfi Merchant Funding LLC

HKA Enterprises, Inc

28440 Verde Mountain Trl

352 Fulton Avenue

337 Spartangreen Blvd

San Antonio, TX 78261-2528

Hempstead, NY 11550-3941

Duncan, SC 29334-9220

HercRentals

JCB Financial, Inc.

John Miller

27500 Riverview Center Blvd Suite 100

1715 Morgan Lane

PO Box 82668

Bonita Springs, FL 34134-4328

Collegeville, PA 19426-2875

Austin, TX 78708-2668

Landpoint

Laperouse, P.C.

Lonestar Forklift

525 Sawdust Rd #200

5220 Spring Valley Road Suite 615

5300 SE Loop 410

Spring, TX 77380-2386

Dallas, TX 75254-2431

San Antonio, TX 78222-3922

Longview Truck Center  
3132 TX-31  
Longview, TX 75603

(p)MARSHALL & SINGLETSON PLC  
P O BOX 1955  
JONESBORO AR 72403-1955

Martin Marietta Materials  
1503 LBJ Freeway Suite 400  
Dallas, TX 75234-6007

Mid-Tex Testing LLC  
1301 New Dallas Hwy  
Waco, TX 76705-2428

NUCOR Harris Rebar  
4700 Singleton Blvd  
Dallas, TX 75212-3333

North Mill Credit Trust  
81 Throckmorton Ave  
Mill Valley, CA 94941-1930

North Mill Credit Trust  
9 Executive Circle Suite 230  
Irvine, CA 92614-4701

PTR - Premier Truck Rental  
9138 Bluffton Road  
Fort Wayne, IN 46809-3057

Packet Construction LLC  
14205 N Mopac Expressway 514  
Austin, TX 78728

Providence Equipment Finance  
aka Providence Bank & Trust  
PO Box 706  
South Holland, IL 60473-0706

Providence Equipment Finance A Division of P  
1555 S. Ardmore Avenue  
Villa Park, IL 60181-3407

SBM Earthmoving & Construction  
7931 N State Line Ave  
Texarkana, TX 75503-1945

SIR, LLC  
Harwin Dr  
Houston, TX 77036

Simpson Crushed Stone  
1948 County Rd 1234  
Nemo, TX 76070-3003

Southeast Readi-Mix Products Inc  
3001 South Boyd Drive  
Carlsbad, NM 88220-4709

(p)SOUTHSTAR FINANCIAL LLC  
ATTN SOUTHSTAR FINANCIAL LLC  
840 LOWCOUNTRY BLVD  
MOUNT PLEASANT SC 29464-3000

Spartan Business Solutions, LLC d/b/a Sparta  
371 E Main St. Suite 2  
Middletown, NY 10940-3435

Stealth Monitoring Inc  
15182 Marsh Lane  
Addison, TX 75001-8047

SunCoast Post-Tension  
16825 Northchase Dr Suite 1100  
Mill Creek, PA 17060

Terracon Consultants, Inc  
10841 S Ridgeview Road  
Olathe, KS 66061-6456

TexMix Concrete  
PO Box 830  
Leander, TX 78646-0830

Texas First Rentals LLC  
Po Box 650869  
Dallas, TX 75265-0869

Texas Regional Bank  
PO Box 5555  
Mcallen, TX 78502-5555

The Lane Law Firm  
6200 Savoy Dr Ste 1150  
Houston, TX 77036-3369

The Law Office of Jason Gang, PLLC  
1245 Hewlett Plaza #478  
Hewlett, NY 11557-4021

U.S. Small Business Administration  
Little Rock Commercial Loan Servicing Ce  
2120 Riverfront Drive Suite 100  
Little Rock, AR 72202-1794

United Rentals  
100 First Stamford Place Suite 700  
Stamford, CT 06902-9200

United States Trustee - AU12  
United States Trustee  
903 San Jacinto Blvd, Suite 230  
Austin, TX 78701-2450

Robert Chamless Lane  
The Lane Law Firm, PLLC  
6200 Savoy Dr, Suite 1150  
Houston, TX 77036-3369

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

CAT Financial  
PO Box 340001  
Nashville, TN 37203

Marshall & Singleton, PLC  
PO Box 4034  
Jonesboro, AR 72401

Southstar Financial, LLC  
840 Lowcountry Blvd  
Mount Pleasant, SC 29464

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Territorial Bank of American Samoa  
716 Centennial Building  
PagoPago, American Samoa96799

End of Label Matrix	
Mailable recipients	58
Bypassed recipients	1
Total	59